

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

ROBERT D. GRAFFIUS,

Petitioner,

v.

WARDEN JAY FORSHEY,

Respondent.

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CASE NO. 4:20-cv-1475

OPINION & ORDER
[Resolving Doc. [1](#)]

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

Petitioner Robert D. Graffius is currently serving eight years for rape. He brings this habeas corpus action under 28 U.S.C. § 2254.¹

On May 25, 2023, Magistrate Judge Henderson filed a Report and Recommendation (“R & R”) recommending that the Court deny Graffius’s petition in its entirety and not grant him a certificate of appealability. Specifically, Magistrate Judge Henderson found that Graffius has presented only procedurally defaulted and meritless claims. Graffius did not file an objection to the R & R.

The Federal Magistrates Act requires district courts to conduct a de novo review only of objected-to portions of an R & R.² Absent objection, district courts may adopt an R & R without review.³

So, the Court **ADOPTS** Magistrate Judge Henderson’s R & R and **DENIES** Graffius’s habeas corpus petition in its entirety and any associated certificate of appealability.

¹ Doc. [1](#).

² 28 U.S.C. § 636(b)(1).

³ *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985). Failure to timely object may waive a party’s right to appeal the district court’s order adopting the R & R. *Id.* at 155; *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).

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GWIN, J.

IT IS SO ORDERED.

Dated: June 27, 2023

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE